IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 31833 of 2005(M)

PETITIONERS:
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1. BHARATHI AMMA, AGED 73 YEARS,
W/O.LATE PURUSHOTHAMAN PILLAI,
"LATHALAYAM", MANJUMMAL.P.O,
ERNAKULAM DISTRICT, PIN-683 501.

2. INDRAVENI AMMA, AGED 58 YEARS,
W/O.V.P.GOPINATHAN NAIR,
VADAKKUMANA VEEDU, MANJUMMAL.P.O,
ERNAKULAM DISTRICT, PIN-683 501.

BY ADV. SRI.P.N.RAVINDRAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
ERNAKULAM.

2. THE HEAD SURVEYOR,
COLLECTORATE, ERNAKULAM,
KAKKANAD.P.O, ERNAKULAM DISTRICT.

3. THE TAHSILDAR, PARUR TALUK,
TALUK OFFICE, NORTH PARUR.P.O,
ERNAKULAM DISTRICT.

4. THE ELOOR GRAMA PANCHAYATH,
UDYOGAMANDAL P.O, ERNAKULAM DISTRICT,
PIN-683 501, REPRESENTED BY ITS SECRETARY.

5. C.K.ABDUL LATHEEF,
CHELAKKAD VEEDU, MANJUMMAL.P.O,
ERNAKULAM DISTRICT, PIN-683 501.

R1 TP R3 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR
R4 BY ADV. SRI.V.SANKARA RAJA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007 ALONG WITH W.P.C.17639/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) Nos.31833 of 2005 and
17639 of 2007

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Dated: 11th September, 2007

JUDGMENT

It is pointed out by Mr.V.Sankara Raja, counsel for the party respondent in both the Writ Petitions that the brother of the petitioners in W.P.C.No.17639 of 2007 who is the son of the 1st petitioner in W.P.C.No.31833/05 has already filed a regular civil suit O.S.No.477/07 before the Munsiff's Court, North Paravur and that the issue is under consideration by that court. Learned counsel submitted that the principal bone of contention between the parties is an easement of way claimed by the petitioner through a pathway allegedly vested in the Panchayat. A regular civil court will be more equipped to decide such issues. Mr.P.R.Ramachandra Menon, counsel for the petitioners in W.P.C.No.17639/07 as well as Mr.P.N.Ravindran, counsel for the petitioners in W.P.C.No.31833/05 would submit that the petitioners in this court are not parties to the civil suit.

2. Considering the rival submissions addressed at the Bar, I dispose of the Writ Petitions relegating the petitioners in these Writ Petitions to the civil court. If the petitioners in these Writ Petitions file applications seeking their impleadment as additional parties in the

ongoing civil suit, the learned Munsiff will allow those applications and implead them as additional parties. I am told that the civil court has already passed an order directing maintenance of status quo. This court also has passed a similar order in W.P.C.No.17639 of 2007. Considering both these orders, I direct the parties in these Writ Petitions also to maintain status quo until final orders are passed by the civil court after hearing all parties.

srd **PIUS C.KURIAKOSE, JUDGE**